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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/677,341	10/02/2000	David A. Elko	POU920000042US1	3537
7590	03/18/2004			
William A Kinnaman Jr IBM Corporation IPLAW 2455 South Road MS P 386 Poughkeepsie, NY 12601			EXAMINER PANNALA, SATHYANARAYA R	
			ART UNIT 2177	PAPER NUMBER 8
DATE MAILED: 03/18/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/677,341

Applicant(s)

ELKO ET AL.

Examiner

Sathyanarayan Pannala

Art Unit

2177

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 26 September 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-26 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-26 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. _____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- * See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) <u>6</u> . | 6) <input type="checkbox"/> Other: |

DETAILED ACTION

1. Applicants' Amendment filed on 9/26/2003 includes amending claims 4 and 14. As per this Office Action claims 1-26 are pending.

Claim Rejections - 35 USC § 103

2. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

This application currently names joint inventors. In considering patentability of the claims under 35 U.S.C. 103(a), the examiner presumes that the subject matter of the various claims was commonly owned at the time any inventions covered therein were made absent any evidence to the contrary. Applicant is advised of the obligation under 37 CFR 1.56 to point out the inventor and invention dates of each claim that was not commonly owned at the time a later invention was made in order for the examiner to consider the applicability of 35 U.S.C. 103(c) and potential 35 U.S.C. 102(e), (f) or (g) prior art under 35 U.S.C. 103(a).

3. Claims 1-26 are rejected under 35 U.S.C. 103(a) as being unpatentable over Leymann et al. (Europe Patent 0817019) (hereinafter Leymann) and in view of Denny et al. (US Patent 6,330,686) (hereinafter Denny).
4. As per independent claims 1, 13, 20, Leymann rendered by the following:

"Defining a list comprising a sequence of list entries, each of said list entries corresponding to a message in said queue and having an associated list entry key, each list entry key corresponding to an uncommitted message falling within an uncommitted key range defining an uncommitted portion of said list and each list entry key corresponding to a committed message falling within a committed key range defining a committed portion of said list" (examiner considered the transaction is analogous to the message) at col. 7, lines 19-31;

Leymann do teach analogous to message writing to queue see at col. 11, lines 29-48. However, Denny teaches "In response to a request to write a message to said queue, adding a list entry to said list having a list entry key within said uncommitted key range" at Fig. 2, col. 8, lines 28-49. Thus, it would have been obvious to one ordinarily skilled in the art at the time of the invention to incorporate inputting write message to the uncommitted list. Leymann and Denny teaches messages handling and combined to relate maintaining committed and uncommitted list of messages. In order to maintain messages lists to keep track of which are read and ready for reading as well as adding new messages to the unread list.

5. As per dependent claim 2, Leymann teaches "list entries in said uncommitted portion of said list have a defined order as determined by said list entry keys that is preserved when said list entries are moved to the committed portion of said list" (transaction identifier is analogous to list entry key) at Fig. 2, col. 8, lines 24-27.

6. As per dependent claims 3, 14, 21, Leymann teaches “the further step of: in response to a request to commit said message to said queue, modifying the list entry key associated with said list entry to fall within said committed key range to move said list entry to the committed portion of said list” at col. 10, lines 47-54.
7. As per dependent claims 4, 15, 22, Leymann teaches “the further step of: in response to a request to read a message from said queue, retrieving a list entry whose list entry key has an extreme value in said committed key range” at col. 10, lines 47-48.
8. As per dependent claim 5, Leymann teaches “extreme value is a lowest value in said committed key range” at Fig. 1, col. 10, lines 47-48.
9. As per dependent claims 6, 16, 23, Leymann teaches “the further step of: in response to a request to read a message from said queue, moving a list entry from the committed portion of said first list to a second list” at Fig. 4, col. 11, lines 49-57.
10. As per dependent claims 7, 17, 24, Denny teaches “the step of: in response to a request to abort a read of said message from said queue, moving said list entry back from said second list to the committed portion of said first list” at Fig. 1, col. 8, lines 4-15.
11. As per dependent claims 8, 18, 25, “the step of: in response to a request to commit a read of said message from said queue, removing said list entry from said second list” at col. 2, lines 35-42.
12. As per dependent claim 9-10, “list entry keys in said uncommitted key range are assigned in order of message priority” at col. 15, lines 33-40.
13. As per dependent claim 11, “each list entry key has a more significant portion

indicating the list portion to which the corresponding list entry belongs and a less significant portion indicating the order of said list entry in said list portion” at Fig. 6, col. 15, line 51 to col. 16, lines 7.

14. As per dependent claims 12, 19, 26, “the step of: in response to a request from a requester to wait for a message in said queue:

“detecting a change in state of the committed portion of said queue from an empty state to a not-empty state” at Fig. 7, col. 16, lines 8-20;

“in response to detecting a change in state of the committed portion of said queue from an empty state to a not-empty state, notifying said requester of said change of state” at Fig. 7, col. 16, lines 8-20.

Response to Arguments

15. Applicants’ arguments filed on 9/26/2003 have been fully considered but they are not persuasive and details as follows:

A) Applicants’ argument stated as “In the applicants claimed invention, therefore the list entry key determines whether a list entry is in the uncommitted...” see on page 13, paragraph 5.

In response to the Applicants’ argument, Examiner respectfully disagree because the prior art by Leymann et al. (EP 0817019A2) also uses the concept of MQSeries for list structure as the claimed invention (at Fig. 4, col. 12, lines 20-34). Leymann clearly teaches as manipulating queries can be done within

transactions for handling the message queries. Leymann teaches with an example as Message Oriented Middleware (MOM) ensures the outcome of two chained transactions. MOM ensures the delivery of message from Q1 to Q2. T1 commits its work when T3 gets the request from Q2 to perform the T3 final work (at Fig. 1, col. 12, lines 44-56). The Examiner understands that the message not received by Q2 is uncommitted.

B) Applicants' argument stated as "Nor does the other cited reference, Denny et al. to cure..." see on page15, paragraph 3.

In response to the Applicants' argument, Examiner once again respectfully disagrees because; the second reference is used in addition to the primary reference of Leymann for obviousness of remaining limitations of claims 1,13, and 20 and other dependent claims. Examiner recognizes that combining or modifying the teachings of the prior art to produce the claimed invention where there is some teaching, suggestion can only establish obviousness, or motivation to do so found either in the references themselves or in the knowledge generally available to one of ordinary skill in the art. See *In re Fine*, 837 F.2d 1071, 5 USPQ2d 1596 (Fed. Cir. 1988) and *In re Jones*, 958 F.2d 347, 21 USPQ2d 1941 (Fed. Cir. 1992).

Conclusion


16. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.


Any inquiry concerning this communication or earlier communications from the examiner should be directed to Sathyanarayan Pannala whose telephone number is (703) 305-3390. The examiner can normally be reached on 8:00 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, John Breene can be reached on (703) 305-9790. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9306.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).


Sathyaharayan Pannala
Examiner
Art Unit 2177

srp
March 17, 2004


GRETA ROBINSON
PRIMARY EXAMINER